

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOZEF GARAN,

Plaintiff,

-against-

1199SEIU BENEFIT AND PENSION
FUNDS,

Defendant.

ORDER

24-cv-7152 (ER)

The defendant 1199SEIU Benefit and Pension Fund filed a motion to dismiss on November 12, 2024. At the same time, they noted in the notice of motion, Doc. 7, and the Local Civil Rule 12.1 Notice, Doc. 10, that the papers were provided to *pro se* plaintiff Jozef Garan, at the address listed on the Docket for Mr. Garan. However, the Pension Fund did not indicate how the papers were served, nor did it post proof of service on ECF. On November 21, 2024, the court directed the Pension Fund to re-serve the papers on Mr. Garan and to post proof of service on ECF, Doc. 12. On November 21, 2024, the Pension Fund filed a certificate of service indicating that a true and correct copy of the motion to dismiss, Doc. 7, had been served via overnight UPS delivery—Tracking #1Z1538781397437966—the same day, Doc. 13.

On December 4, 2024, Mr. Garan filed a letter requesting clarification regarding a package sent to him by the Pension Fund on November 25, 2024, Doc. 14. The Court responded, on December 6, 2024, telling Mr. Garan that he did not provide any information concerning the contents of the package or the substance of any documents contained in the package. Accordingly, the Court could not provide any guidance. The Court further instructed Mr. Garan that should he have any questions after he has actually reviewed the documents, he

should direct his questions to the Pension Fund first. Doc. 15.

On December 16, 2024, Mr. Garan filed a letter stating, amongst other things, that his wife had spoken with the Pension Fund and was told that the delivered papers were the Pension Fund's moving papers to dismiss Mr. Garan's action, which he had not yet respond to, Doc. 17.¹

Having now confirmed Mr. Garan's receipt of the Pension Fund's motion papers, Mr. Garan is now directed to file his opposition to Pension Fund's motion to dismiss by January 8, 2025. Failure to do so may result in dismissal of his complaint.

It is SO ORDERED.

Dated: December 18, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

Edgardo Ramos, U.S.D.J.

¹ The Court notes that the tracking number—#1Z1538781397437966—from the Pension Fund's November 21, 2024, certificate of service is the same as the tracking numbers shown in the attachments to Garan's December 4, and 16, 2024, letters to the Court. Docs. 14–3, 17–9, 17–10.